

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

**Asarael Zuniga**, individually and on behalf  
of all others similarly situated,

Plaintiff;

v.

**Asset Recovery Solutions, LLC. and  
Bureaus Investment Group Portfolio No.  
15, LLC,**

Defendants.

Case No. 1:17-cv-5119

Judge Elaine E. Bucklo

Magistrate Judge Maria Valdez

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**Defendants’ Motion to Dismiss Under Rules 12(b)(1) and 12(b)(6)**

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Defendants Asset Recovery Solutions, LLC (“ARS”) and Bureaus Investment Group Portfolio No. 15, LLC (“BIG 15”; together with ARS, “Defendants”) respectfully move to dismiss this case under Rule 12(b)(1) for lack of standing and under Rule 12(b)(6) for failure to state a claim.<sup>1</sup>

As set forth in the accompanying memorandum of law, dismissal is appropriate for three principal reasons, the latter two of which compel dismissal with prejudice:

- A. Plaintiff Asarael Zuniga (“Zuniga”) lacks standing to sue because the phrase “current creditor” did not cause him a concrete or particularized harm;
- B. Zuniga cannot state a claim because the FDCPA endorses, and elsewhere mandates, use of the phrase “current creditor”; and
- C. Zuniga cannot sue BIG 15 because it not plausibly alleged to be a “debt collector” as that term is defined by the FDCPA.

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<sup>1</sup> In accord with the Court’s Mandatory Initial Pilot Program, Defendants are filing answers and affirmative defenses alongside this motion to dismiss.

WHEREFORE, for the reasons set forth above and further detailed in Defendants' accompany memorandum of law, the case should be dismissed with prejudice.

Dated: August 23, 2017

Respectfully submitted,

/s/ Dara C. Tarkowski

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### **Certificate of Service**

I hereby certify that on August 23, 2017, I filed the foregoing document through the Court's electronic filing system and thereby served all counsel of record.

/s/ Julian Dayal